

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DAVID SAMUEL CRENWELGE,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CIV-21-1008-F
)	
DAVID WAYNE HAMMOND, et al.,)	
)	
Defendants.)	

ORDER

Plaintiff David Samuel Crenwelge, a state prisoner appearing *pro se*, filed a complaint pursuant to 42 U.S.C. § 1983 seeking monetary relief against David Wayne Hammond, an attorney, and Kenneth J. Graham, a state court judge. Both defendants were sued in their individual and official capacities.

After conducting a review of plaintiff's complaint, Magistrate Judge Erwin issued a Report and Recommendation on December 14, 2021 (doc. no. 8), recommending that plaintiff's complaint be dismissed in its entirety. Magistrate Judge Erwin concluded that plaintiff failed to state a § 1983 claim against Mr. Hammond upon which relief could be granted and that plaintiff's claim against Judge Graham, in his individual capacity, was barred by judicial immunity, and plaintiff's claim against Judge Graham, in his official capacity, was barred by Eleventh Amendment immunity. Magistrate Judge Erwin advised plaintiff of his right to object to the Report and Recommendation by January 3, 2022.

On January 5, 2022, the court entered an order (doc. no. 11) granting plaintiff an extension of time until February 4, 2022, to object to the Report and Recommendation. The court specifically advised plaintiff that failure to make a


timely objection to the Report and Recommendation waives the right to appellate review of both factual and legal questions therein contained.

To date, plaintiff has not filed, nor sought an extension of time to file, an objection. With no objection being filed, the court accepts, adopts, and affirms the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Shon T. Erwin on December 14, 2021 (doc. no. 12) is **ACCEPTED, ADOPTED, and AFFIRMED.**

Plaintiff David Samuel Crenwelge's complaint seeking monetary relief against defendants David Wayne Hammond and Kenneth J. Graham, in their individual and official capacities, under 42 U.S.C. § 1983 is **DISMISSED** in its entirety pursuant to 28 U.S.C. § 1915A(b)(1) and (2) and 28 U.S.C. § 1915(e)(2)(B) (ii) and (iii).

IT IS SO ORDERED this 17th day of February, 2022.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE